IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10767 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE C.K.BUCH

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RESIDENTS OF SAGAR COMPLEX THE BUILDING OF ZALAK ASSO.
Versus
AHMEDABAD URBAN DEVELOPMENT AUTHORITY

Appearance:
MR HD VASAVADA for Petitioner
MR DN PATEL for Respondent No. 1
MR HS MULIA for MR RC JANI for Respondent No. 2
NOTICE UNSERVED for Respondent No. 3

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE C.K.BUCH

Date of decision: 18/10/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE B.C.PATEL)

#. Rule. M/s. D.N. Patel & H.S. Mulia waive service of rule on behalf of respondent nos. 1 and 2 respectively.

#. Residents of Sagar Complex have filed this petition as the builder has not bothered to install fire safety system as required under the regulations and by the Ahmedabad Municipal Corporation. Without obtaining building use permission, the builder has inducted the owners in the building. It is the builder who has put the residents in awkward situation.

#. Today, on behalf of respondent no. 2, Shri K.V. Rajpurohit is present before the Court, who admits that it is his responsibility of installing the fire safety system. He stated that within a period of one week, a separate bank account will be opened, wherein an amount of Rs. 2.00 lacs will be deposited and the remaining amount of Rs. 6.00 lacs will be deposited within a period of 4 weeks. The amount so deposited in the separate bank shall be utilized for the purpose of making payment to the supplier of the fire safety system. If the amount is excess, the same will be withdrawn by Shri K.V.Rajpurohit and if there is shortage of the amount, it will be his responsibility to make the payment. Shri Rajpurohit further stated that the fire safety system will be installed within a period of six weeks. Undertaking shall be filed to the aforesaid extent. The fire safety system shall be provided as per the requirement and regulations and as required by the Ahmedabad Municipal Corporation. It goes without saying that it will be the duty of the builder and particularly Shri K.V.Rajpurohit to apply in form "F" to the Ahmedabad Urban Development Authority (AUDA) for building use permission. The petition is allowed. The respondent no. 2 shall pay the sum of Rs. 2000/- (Rupees Two Thousand) to the petitioner-Association by way of costs. Rule is made absolute. Liberty to apply in case the fire safety system does not operate on account of some technical reasons.

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